



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

C. Chiu

Application No.: 09/940,829

Filed: August 27, 2001

For: METHOD OF CHANGING DRIVING  
SEQUENCE TO OUTPUT CHARGE  
COUPLE DEVICE SIGNAL

Examiner: Lee, Cheukfan

Art Unit: 2622

*I hereby certify that this correspondence is being transmitted via First  
Class Mail with the United States Postal Service addressed to:  
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
on:*

**August 22, 2005***Date of Transmission***Michelle J. Turner***Name of Person Transmitting Correspondence*  
*Signature*

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT**  
**PURSUANT TO 37 CFR § 1.181(a)**

COMMISSIONER FOR PATENTS  
Mail Stop Amendment  
PO Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Withdrawal of the holding of abandonment set forth in the Notice of Abandonment of June 21, 2005 is respectfully requested. Attached hereto is a print out from the publicly accessible PAIR system which shows that a first non-final Office Action regarding the present application was issued by the Patent Office on March 17, 2005. The final deadline (including permissible extensions) for responding to this Office Action is the six-month date of September 17, 2005. Thus, as of the present time, the final deadline for reply to outstanding Office Action has not yet elapsed.

The Notice of Abandonment of June 21, 2005 states that the reason for abandonment is a failure to timely reply to the Office Action of March 17. The Notice indicates that "Attorney Jiawei Huang confirmed that the abandonment of this application is intentional, ***even though the six-month time period is not ended.***" (Emphasis added).

It is respectfully submitted that this confirmation, which apparently took place via a telephone call or some other non-recorded communication, does not constitute an express abandonment in compliance with 37 CFR 1.138 which requires a written and signed declaration, and thus should be disregarded. 37 CFR 1.138 provides in relevant part:

§ 1.138 Express abandonment.

(a) An application may be expressly abandoned ***by filing a written declaration of abandonment identifying the application in the United States Patent and Trademark Office.*** Express abandonment of the application may not be recognized by the Office before the date of issue or publication unless it is actually received by appropriate officials in time to act.

(b) ***A written declaration of abandonment must be signed by a party authorized under § 1.33(b)(1), (b)(3), or (b)(4) to sign a paper in the application . . .***

Since the informal abandonment communicated by attorney Jiawei Huang and Examiner Cheukfan Lee does not meet the requirements of an express abandonment as set forth in 37 CFR § 1.138, and there is no evidence in PAIR or otherwise that a written declaration of abandonment has been received by the Patent Office memorializing this informal communication, it is requested that the holding of abandonment in the present application be withdrawn for failure to comply with the statutory requirements.

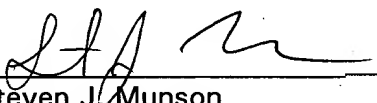
An amendment responsive to the outstanding Office Action of the March 17, 2005 is also attached hereto with a request for a three-month extension of time, which constitutes a timely reply to the Office Action.

If the Examiner has any questions, he is invited to contact the undersigned at (503) 439-6500. Reconsideration of this patent application and early allowance of all of the claims is respectfully requested.

Respectfully submitted,

BERKELEY LAW AND TECHNOLOGY GROUP, LLC

Dated: 8/22/2005

  
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Steven J. Munson  
Reg. No. 47,812

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1700 NW 167th Place, Suite 240  
Beaverton, OR 97006



Patent Friendly

09/940,829 Method of changing driving sequence to output charge couple device signal

## Transaction History

Date	Contents Description
06-21-2005	Mail Abandonment for Failure to Respond to Office Action
06-20-2005	Abandonment for Failure to Respond to Office Action
03-17-2005	Mail Non-Final Rejection
03-17-2005	Non-Final Rejection
08-24-2004	IFW TSS Processing by Tech Center Complete
07-31-2003	Correspondence Address Change
07-16-2003	Case Docketed to Examiner in GAU
10-10-2001	Application Dispatched from OIPE
10-03-2001	Correspondence Address Change
09-05-2001	IFW Scan & PACR Auto Security Review
08-27-2001	Initial Exam Team nn

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